

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

PHILLIP S. DUNN ,

Petitioner,
v.

STATE OF WISCONSIN,

Respondent.

ORDER

Case No. 16-cv-224-bbc

Petitioner Phillip S. Dunn seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has submitted a motion for leave to proceed without prepayment of the filing fee. (Dkt. # 3). The court cannot consider this motion, however, because it lacks supporting documentation regarding petitioner's eligibility for indigent status. For this case to move forward, petitioner must either pay the \$5 filing fee or submit a certified inmate trust fund account statement (or institutional equivalent) for the six-month period immediately preceding the filing of this habeas corpus petition. If petitioner does not submit either the \$5 filing fee or a trust fund account statement before May 4, 2016, the court will assume that petitioner wishes to withdraw this action voluntarily and will dismiss the petition without prejudice under Fed. R. Civ. P. 41(a).

ORDER

IT IS ORDERED that:

1. The motion for leave to proceed without prepayment of the filing fee (Dkt. # 3) is DENIED at this time.

2. No later than May 4, 2016, petitioner Phillip S. Dunn shall pay the \$5 filing fee or submit a certified copy of petitioner's inmate trust fund account statement for the six-month period from the date of the habeas petition (April 8, 2016 through at least October 8, 2015).

3. If petitioner fails to pay the \$5 filing fee, comply as directed, or show cause for failure to do so, this case will be dismissed without prejudice.

Entered this 11th day of April, 2016.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge